

Remarks/Arguments:

Claims 1 through 6, 8, 9, and 11 through 15 remain pending in this application. Claims 7 and 10 have been cancelled without prejudice. Claims 1 and 11 have been amended.

The non-final Office Action rejected claims 1, 7, and 10 under 35 U.S.C. § 102(b) as being anticipated by the Daiber reference, U.S. Patent No. 6,146,238. As noted, claims 7 and 10 have been cancelled in this Amendment and Response without prejudice. Claim 1 has been amended to incorporate the additional elements of prior claim 10. Applicant respectfully contends that Daiber does not anticipate claim 1 as amended.

Claim 1, as amended, has particular elements and limitations that are not disclosed or suggested by Daiber. More specifically, claim 1 teaches as one of several elements, "a plurality of circuit training stations being removable and reattachable to the carrying case bottom section, four sides and top section." The Office Action suggests that Daiber discloses "a plurality of toy replica circuit training stations (15, 16)" that are removable from the side element, and specifically points to "(15, 16)" as support for such a disclosure in Daiber. However, if the reference to "(15, 16)" is to elements 15 and 16, Applicant notes that there is no element 15 cited within Daiber. Moreover, element 16 as defined in Daiber, is a "rear side member" and has no relevance or relation to any type of "circuit training station."

If instead the Office Action reference to "(15, 16)" is to Figs. 15 and 16, Applicant contends that neither Fig. 15 nor Fig. 16 in Daiber provide any support for, or show any aspect of removable "toy replica circuit training stations" or removable miniature exercise equipment. Indeed, Daiber specifically describes the toy scenes in Fig. 15 and Fig. 16 as being "an undersea play environment" and "a similar ocean playground with an upper play area representing the upper ocean surface." Daiber, col. 5, lines 62 through 67, col. 6, line 1. Neither of Figs. 15 and 16 illustrate, show, or suggest in any manner an exercise facility, an exercise club, or a gymnasium of any type.

Accordingly, Daiber provides no basis or illustration of exercise or circuit training stations. Moreover, and as a second distinction, Daiber provides no basis or motivation for any miniature toy exercise or circuit training elements that are removable and reattachable to the carrying case sections. Applicant respectfully contends that Daiber does not anticipate or render obvious the pending claims as amended, and accordingly requests withdrawal of the noted rejection based upon Daiber.

The Office Action also rejected claims 2 through 4, 9, and 11 under 35 U.S.C. § 103(a) as being rendered obvious by Daiber. As argued above, Daiber does not disclose, show or suggest in any manner necessary elements of the pending invention. In particular, the invention is directed to a toy carrying case having a replica circuit training or exercise facility with representative toy miniature circuit training stations. Daiber does not disclose or suggest such a toy carrying case. Moreover, nothing in Daiber suggests any motivation for the Daiber carrying case to be completely modified to have a circuit training facility. The further limitations of pending claims 2 through 4, 9, and 11, including having a music playing device, making the replica circuit training pieces of plastic and having the replica toy pieces being attachable by magnets only further distinguishes the present invention from Daiber. Accordingly, Applicant respectfully contends that Daiber does not render obvious the pending claims as amended, and accordingly requests withdrawal of the noted rejection based upon Daiber.

The Office Action also rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being rendered obvious by Daiber in view of Meyer et al. As argued above, Daiber does not disclose, show or suggest in any manner necessary elements of the pending invention. Specifically with respect to claims 5 and 6, Daiber does not disclose or suggest replica circuit training stations of a treadmill, stationary bike, barbell bench, sit-up bench, elliptical trainer, step benches and / or an exercise ball. While Meyer et al. does appear to show a barbell bench in Figs. 8 through 11, neither Meyer et al. nor Daiber disclose or show any of the other listed replica circuit training stations. In particular, Applicant notes that although the Office Action cited element 110 in Meyer et al. as a step bench, element 110 is a gymnastics balance beam and is not a step bench. Accordingly, Applicant respectfully contends that Daiber in view of Meyer et al. does not render obvious the pending claims as amended, and accordingly requests withdrawal of the noted rejection based upon Daiber in view of Meyer et al.

The Office Action finally rejected claims 8 and 12 through 15 under 35 U.S.C. § 103(a) as being rendered obvious by Daiber in view of Chase. As argued above, Daiber does not disclose, show or suggest in any manner necessary elements of the pending invention. Specifically with respect to claims 8 and 15, and as noted in the Office Action, Daiber does not disclose a removable drawer for holding any of the replica toys or a doll. Chase does show "a plurality of drawers 14 in a conventional manner to provide storage." Chase, col. 2, lines 45 through 48. However, the drawers disclosed and shown in Chase are not

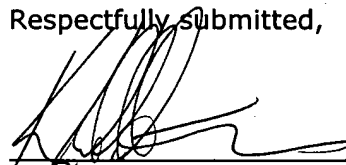
"removable" such that the carrying case sections, when open, can still "lie essentially flat" as claimed in the present invention. Indeed, as shown in Figs. 1, 2, 6, and 9 in Chase, the drawers are structurally part of the play structure. The drawers cannot be removed from the structure such that the sections of the carrying case may be unfolded into a flat configuration for play. As such, Daiber in view of Chase do not render obvious claims 8 and 15 of the present invention.

Lastly, with respect to claims 12, 13, and 14, Applicant respectfully contends that Daiber in view of Chase similarly do not rendered obvious these claims because as argued above, Daiber does not disclose, show or suggest in any manner necessary elements of the pending invention. In particular, as noted by the Office Action, Daiber does not disclose or suggest the use of a handle attached to the carrying case, as taught by the present invention. Further, nothing in Daiber discloses or suggests a doll that the child may pretend play as part of the replica circuit training stations. There is no noted motivation or suggestion in Daiber to incorporate or completely rebuild the Daiber carrying case and undersea play environment to be a miniature circuit training toy and have a doll that a child may play with, with the toy exercise facility. As such, Daiber and Chase, either separately or in combination do not show or suggest in any manner necessary elements of the pending invention.

Accordingly, Applicant respectfully contends that Daiber in view of Chase does not render obvious the pending claims as amended, and accordingly requests withdrawal of the noted rejection based upon Daiber in view of Chase.

Applicant contends that with the noted amendments, this application is now in a condition for allowance. Applicant respectfully requests early consideration and allowance of this application as amended.

Respectfully submitted,



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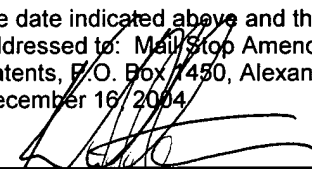
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